

### **REMARKS**

Claims 1-3, 7-12, 19, 20, and 22-27 are pending in the present application. Claims 1, 7, and 19 have been amended. Claims 1, 7, and 19 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

#### ***Statement of Substance of Interview***

Applicant wishes to thank Examiner Aaron Richer for taking the time to discuss the present application with Applicant's representative, Jason Rhodes (Reg. No. 47,305), during the telephonic interview of December 22, 2009.

**Claims Discussed:** Independent claim 1 was discussed.

**Prior Art Discussed:** Sprenger et al., "H-BLOB: A Hierarchical Visual Clustering Method Using Implicit Surfaces," IEEE, Oct. 2000 (hereafter "Sprenger"); U.S. Patent Application Publication No. 2004/0168115 to Bauernschmidt et al. (hereafter "Bauernschmidt"); and U.S. Patent No. 5,710,894 to Maulsby et al. (hereafter "Maulsby").

**Proposed Amendment:** During the interview, the parties discussed a proposed amendment for claim 1. This proposed amendment has been incorporated into claim 1 above.

**General Results:** Agreement was reached that the proposed amendment of claim 1 would overcome the current grounds of rejection because the above-identified references do not teach the "automatically merging" element as recited in the proposed amendment. However, the Examiner indicated that the amendment might necessitate an update search.

#### ***Claim Objection***

The Examiner objected to claims 1 and 19 because of the grammatically incorrect phrase "when the shape of the second design element *being* dragged." Applicant has amended this

phrase in claims 1 and 19 to recite “when the shape of the second design element is dragged.” Therefore, the Examiner is respectfully requested to withdraw this objection.

***Rejection Under 35 U.S.C. § 103***

Claims 1-4, 8-13, 19, 20, and 22-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprenger et al., “H-BLOB: A Hierarchical Visual Clustering Method Using Implicit Surfaces,” IEEE, Oct. 2000 (hereafter “Sprenger”) in view of U.S. Patent Application Publication No. 2004/0168115 to Bauernschmidt et al. (hereafter “Bauernschmidt”) and U.S. Patent No. 5,710,894 to Maulsby et al. (hereafter “Maulsby”). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Without conceding the appropriateness of this rejection, Applicant has amended independent claims 1, 7, and 19 to further distinguish over the references, in an effort to expedite prosecution. As amended, independent claims 1, 7, and 19 now require automatically merging the individual auras of the shapes of design elements, which have been automatically moved in proximity to each other because they share a characteristic, the merged auras producing the affinity region. These amendments are supported in the original specification, e.g., at paragraph 25 and Figs. 3-5.

As agreed upon during the interview, the cited references fail to teach or suggest the aforementioned claim features. For instance, Sprenger does not merge individual auras into an affinity region. Instead, Sprenger clusters individual objects based on their similarity to each other (see page 1, right-hand col., second-to-last paragraph). As to Bauernschmidt, there is no teaching of merging any type of displayed elements such as auras. Furthermore, there is no teaching or suggestion in Maulsby that any of the “jar” areas, which are interpreted by the Examiner as “affinity regions,” are created by automatically merging individual auras.

As such, Sprenger, Bauernschmidt, and Maulsby, taken separately or in combination, fail to teach or suggest every claimed feature in independent claims 1, 7, and 19.

At least for the reasons set forth above, independent claims 1, 7, and 19 are in condition for allowance. Accordingly, claims 2-4, 8-12, 20, and 22-27 are allowable at least by virtue of their dependency on an allowable independent claim. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection under 35 U.S.C. § 103.

### ***Conclusion***

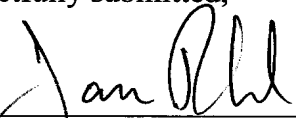
In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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